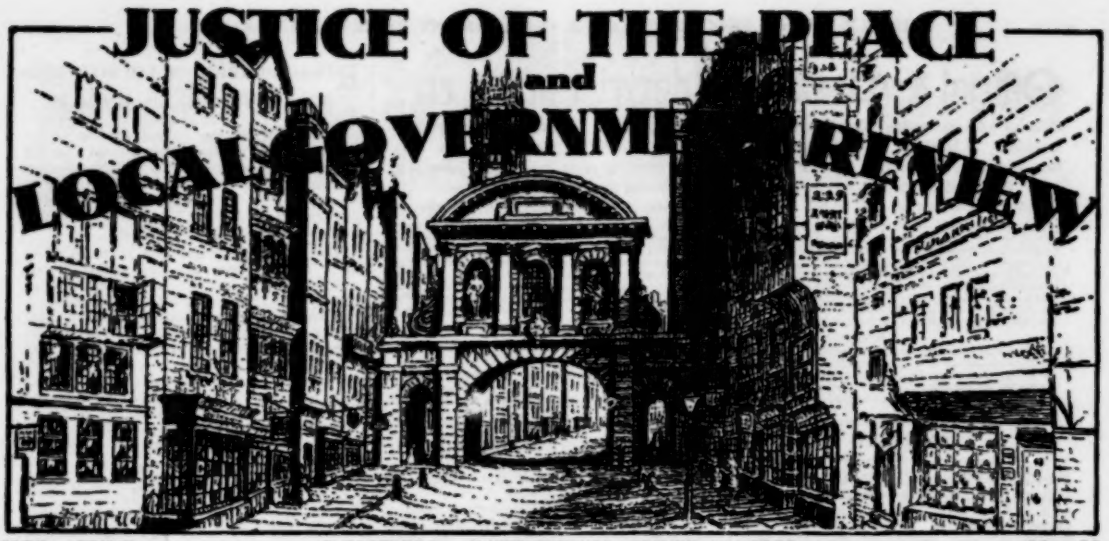

VOL. CXVI LONDON: SATURDAY, JULY 19, 1952 No. 29

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Official & Classified Advertisements, etc.

Official Advertisements (Appointments, Tenders, etc.), 2s. per line and 3s. per displayed headline. Classified Advertisements, 24 words 6s. (each additional line 1s. 6d.) Box Number, 1s. extra *Latest time for receipt* 10 *a.m. Thursday*

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NOTIFICATION OF VACANCIES ORDER, 1952

The engagement of persons answering these advertisements must be made through a Local Office of the Ministry of Labour or a Scheduled Employment Agency if the applicant is a man aged 18-64 or a woman aged 18-59 inclusive unless he or she, or the employment, is excepted from the provisions of the Notification of Vacancies Order, 1952. *Note :* Barristers, Solicitors, Local Government Officers, who are engaged in a professional, administrative or executive capacity, Police Officers and Social Workers are excepted from the provisions of the Order.

INQUIRIES

YORKSHIRE DETECTIVE BUREAU (Hoylands), **Ex-Detective Sergeant.** Member of B.D.A., F.B.D. and Associated American Detective Agencies. DIVORCE—CONFIDENTIAL ENQUIRIES, ETC., anywhere. Over 400 agents in U.K. and abroad. 1, Mayo Road, Bradford. Tel. 26823, day or night.

PARKINSON & CO., East Boldon, Co. Durham. Private and Commercial Investigators. Instructions accepted from Solicitors only. Tel. : Boldon 7301. Available day and night.

BOROUGH OF CLEETHORPES

Appointment of Assistant Solicitor

APPLICATIONS are invited for the appointment of Assistant Solicitor. Salary in accordance with A.P.T. Grades Va (£600—£660)—VII (£685—£760) according to experience.

The appointment is subject to the Local Government Superannuation Act, 1937, and to medical examination, and terminable by one month's notice.

Applications to be sent to the undersigned, with copies of two recent testimonials and endorsed "Assistant Solicitor," on or before Monday, July 28, 1952.

G. SUTCLIFFE,
Town Clerk.

Council House,
Cleethorpes.
July 9, 1952.

CITY OF LANCASTER

Justices' Clerk's Assistant

APPLICATIONS are invited for the appointment of a whole-time Assistant to the Clerk to the Justices. Applicants must have had considerable Magisterial experience, be competent typists, capable of issuing process, keeping the accounts and taking occasional courts. Salary £450—£550 according to qualifications and experience. Applications to be accompanied by a copy of three recent testimonials.

GEORGE F. HALLAM,
Clerk to the Justices.

21, Sun Street,
Lancaster.

CHESHIRE PROBATION AREA

Appointment of Whole-time Officers

APPLICATIONS are invited from persons of either sex who have had experience as Probation Officers for appointment in the above mentioned area. The appointments and salaries will be in accordance with the Probation Rules, and salaries will be subject to superannuation deductions.

Persons appointed may be required to provide a motor-car for official use, for which travelling allowances will pe paid.

One male officer appointed will be centred in Chester.

Applications, giving particulars of age, education, present appointment and salary, qualifications and experience, with the names and addresses of not more than three persons to whom reference may be made, should be submitted to Hugh Carswell, Esq., Secretary of the Probation Committee, St. John's House, Chester, by August 1, 1952.

COUNTY BOROUGH OF EAST HAM

Appointment of Town Clerk

APPLICATIONS are invited from Solicitors, having experience in Local Government Law and Practice, for the appointment of Town Clerk of the above County Borough.

The salary will be at the rate of £2,350 per annum, rising to a maximum of £2,600 per annum.

The appointment will be in accordance with the recommendations of the Joint Negotiating Committee for Town Clerks and District Council Clerks as to salary and conditions of service, and will be subject to the provisions of the Local Government Superannuation Acts, and to determination by three months' notice on either side. The successful candidate will be required to pass a medical examination. Form of application may be obtained from the undersigned. Applications must be delivered in envelopes, endorsed "Town Clerkship," to The Worshipful the Mayor at the address shown below, not later than August 11, 1952.

Canvassing, either directly or indirectly, will be a disqualification.

R. H. BUCKLEY,
Acting Town Clerk.

Town Hall,
East Ham, E.6.
July 2, 1952.

RURAL DISTRICT OF CHESTERFIELD

Appointment of Clerk of the Council

APPLICATIONS are invited for the above appointment at a salary in accordance with the recommendations of the Joint Negotiating Committee for Town Clerks and District Council Clerks, according to service, qualifications and experience. (Population 75,680—minimum salary £2,000 per annum).

The person appointed will be required to carry out all statutory and other duties devolving upon him as Clerk or assigned to him by the Council. He will be required to act as Clerk to the North East Derbyshire Joint Water Committee, Clerk to a Local Superannuation Joint Committee and as Local Fuel Overseer ; any salary or honorarium payable in respect of such appointments to be payable into the General Rate Fund. All fees and other emoluments, except those for acting as Returning Officer at local elections, shall be paid to the General Rate Fund.

The appointment will be subject to :

(*a*) The provisions of the Local Government Superannuation Act, 1937.
(*b*) A satisfactory medical examination.
(*c*) The conditions of service laid down by the Joint Negotiating Committee.
(*d*) Three months' notice in writing on either side.

Canvassing, directly or indirectly, will disqualify. Candidates must disclose whether they are related to any member or senior officer of the Council.

If required, the Council will give all possible assistance towards the provision of housing accommodation for the person appointed.

Applications, with the names of three responsible persons as referees, endorsed "Clerkship," to be delivered to the undersigned by July 28, 1952.

H. MARSHALL,
Chairman of the Council.

Rural Council House,
Saltergate, Chesterfield.

SOMERSET COUNTY COUNCIL

Appointment of Deputy Clerk of the Council

APPLICATIONS are invited from Solicitors with considerable experience in local government law and administration for the appointment of Deputy Clerk of the Council.

The scale of salary is £1,850 per annum, rising by annual increments of £50 each to a maximum of £2,100. All fees received by the Deputy Clerk must be paid into the County Fund.

The Deputy Clerk will not be permitted to engage directly or indirectly in private practice, and he will be required to devote his whole time to the duties of his office.

Applications (endorsed "Deputy Clerk"), giving age, education, legal and academic qualifications, present and past appointments, etc., and the names of three referees, must be delivered to me not later than Saturday, August 16, 1952.

Canvassing, directly or indirectly, will disqualify.

HAROLD KING,
Clerk of the County Council.

County Hall,
Taunton.

Justice of the Peace
and
Local Government Review

[ESTABLISHED 1837.]

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NOTES of the WEEK

Committal with a View to Borstal Training

On June 16 the Court of Criminal Appeal refused leave to appeal against sentence in the case of a young man of twenty, who had been committed to quarter sessions under s. 20 of the Criminal Justice Act, 1948, and sentenced to borstal training. The defendant was of bad character and had previous convictions. In delivering the judgment of the court, Mr. Justice Slade pointed out that when a case is committed under s. 20, the only power quarter sessions have in regard to the sentence is either to sentence the offender to borstal training or, if they decide that borstal is not suitable, to award such punishment as the magistrates themselves might have awarded. He, therefore, suggested that magistrates, even when committing a prisoner with a view to his being sentenced to borstal training, should consider in such cases, particularly when the prisoner is nearing the age of twenty-one, whether it would not be better to send him to quarter sessions for sentence under the provisions of s. 29 of the Act, when there is no such limitation on the powers of quarter sessions.

The United Nations and Human Rights

The United Nations, like the League of Nations, includes in its activities much useful work that receives less publicity than it merits. Many social questions are discussed in a calm and friendly atmosphere, and often there is a large measure of agreement on such matters as public health, the administration of justice, or the treatment of prisoners. Naturally, different countries will continue to employ different methods of procedure, but the important point is that all should observe certain principles in the administration of justice, however much their legal systems may differ.

The International Review of Criminal Policy, a United Nations publication, states that the programme of work relating to social questions includes the prevention of crime and the treatment of offenders as a major sub-division. The first number of the *Review* contains extracts from the Universal Declaration of Human Rights. One forbids torture or cruel, inhuman or degrading treatment or punishment. Another, which is regarded as of supreme importance in this country, is against arbitrary arrest or detention. The presumption of innocence is asserted, as well as the right to a fair public trial.

Another article reads : " No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed."

This last is in accord with the principle generally observed in this and many countries though not in all.

In *Director of Public Prosecutions* v. *Lamb* (1941) 105 J.P. 251, Humphreys, J., at p. 260 referred to the well-known doctrine that where a statute alters rights of persons or creates fresh liabilities, or imposes obligations on them and thereby alters the law, such a statute ought not to be held to be retroactive in its operation unless the words are clear, precise and quite free from ambiguity. The learned judge proceeded to hold that in the case before the court the language of the Order in Council clearly made it retroactive, so far as it affected the penalty for an offence committed before the Order in Council providing for increased penalties came into operation. Such instances are, however, uncommon.

A Report on Juvenile Delinquency

Newcastle-under-Lyme, like many other places, has had a representative committee conducting a careful and exhaustive investigation into the problem of juvenile delinquency. The report of the committee, commendable for its directness and brevity, contains a number of practical suggestions which, if not altogether new, are sometimes put in a new way, and all of them deserve to be considered.

There is force in the statement that often the predominant note is one of materialism, parents seeking for more pleasure, more comfort, and more money, and tending to regard children as an obstacle to the fulfilment of these desires, and family life being looked upon as a handicap to a higher standard of living.

Children are constantly said to get into mischief through indulging in harmful forms of amusement. The committee recommends that parents should be responsible for providing suitable entertainment for their children and not leave them to their own devices. We heartily agree ; parental duty does not consist solely in providing food, clothing and housing. Children need companionship and friendship from their parents.

The employment of women who have young children is a vexed question. The nation needs women in industry, but those with very young children are needed at home if the children are to have the right kind of early childhood. The committee recommends that at all events these mothers should not go to work for the sake of the money unless this is absolutely necessary, and praises those who accept a lower standard of comfort in the interests of their children. It is recommended that the remedy is to be found in increased family allowances. Some members of the committee, though not all, deprecate the use of the day nurseries.

As we expected, there is here, as everywhere else, complaint of the insufficiency of qualified teachers and special schools to deal with subnormal children. We believe this to be a matter of urgency, and definitely an important factor leading to juvenile delinquency.

Much concern is expressed in various quarters about the prevalence of offences consisting of serious and wanton damage to property. Here is a sensible recommendation in the committee's report: "that to encourage a sense of responsibility and civic pride the organization of extensive tree and flower planting by school children, by members of youth organizations and by other young people, be encouraged by local authorities."

Southend and Rochford Magistrates' Courts

In his report to the justices on their work during 1951, Mr. H. Homfray Cooper, the clerk to the justices, shows that the justices put in a considerable amount of work, most of them attending forty or fifty times and some even more. That they are really interested appears also from the statement that the library at the court house is in constant demand, and gifts of books have been much appreciated. Their interest is encouraged by Mr. Cooper's practice of sending out notes on new legislation and other matters of magisterial interest.

Pointing out that the whole question of staffs and salaries will be dealt with by the Magistrates' Courts Committees, Mr. Cooper says: "It will be evident to the justices that, if we are to retain the best qualified staff we shall have to ensure that they are paid salaries commensurate with their responsibilities. We have had a tradition here for having assistants of character and ability, and this has been due largely to the interest shown by the justices in the staff and their conditions of service."

As to the state of crime in the county borough, there was a decrease in most classes of indictable crime with the exception of indecency offences, which increased from fifty-four in 1950 to 115 in 1951. It is not stated exactly what was the nature of the offences, but such a marked increase is on the face of it serious. It is possible that some part of the increase in the number of cases prosecuted is due to increased activity on the part of the police, and not entirely to a worsening of standards of behaviour on the part of either the inhabitants or the many visitors to the town.

As to matrimonial work, it is noted that a large number of orders have been discharged during the year. This is largely attributed to cases where divorce and remarriage have occurred.

Leeds Juvenile Court

Most people will agree that once the court has decided to make an approved school order, the sooner it takes effect the better. Some think the best that can happen is that the child should be sent without delay to the school selected, while others prefer that a certain time should be spent in a classifying school. At all events, it is not desirable that he should remain too long in a remand home after the order has been made.

The period of waiting is, we believe, generally less than it used to be some years ago. In the report of the Juvenile Court Panel for the City of Leeds, it is said that the time of waiting for vacancies to the schools after the order of committal has been made has been reduced to an average time of twenty-nine days, as against thirty-four days in 1950. The difficulty in securing accommodation is greatest in the case of Catholic boys: the waiting time in respect of Protestants has averaged twenty days.

It is a matter of regret that it still seems impossible to make adequate provision for so many mentally sub-normal and maladjusted children. The Leeds report says: "The court has continued to find difficulty in the disposal of cases where the person concerned is shown to be mentally sub-normal or maladjusted, owing to the complete lack of appropriate residential accommodation in the Leeds area."

Leeds Probation Report

One of the most interesting features in the report of the Probation Committee for the City of Leeds is a section in which the Principal Probation Officer, Mr. G. W. Appleyard, describes the work of probation officers in connexion with matrimonial cases, with special reference to attempts at reconciliation. The work needs much time, patience and understanding on the part of the officers, and it can never be successfully carried out by any rule of thumb methods. The time at which reconciliation should be attempted, if at all, must depend on the circumstances of each case. We think Mr. Appleyard is right when he suggests that in cases of adultery or persistent cruelty it may be well for the applicant to have an opportunity of appearing before the magistrates at court before an offer of reconciliation is made. "By proceeding in this fashion, the danger that the applicant may feel that she is being deprived of her rights is avoided, and her attitude to reconciliation is less hostile than it otherwise would be." As to the method of approach, there is wisdom in the observation that "the ideal would be that when this [reconciliation] has been achieved they should be unaware that the conciliator has been instrumental in its achievement." A decrease in the number of cases brought before the court is attributed to the increased use of the services of the officers by magistrates in the Advice Room.

The supervision of persons released from custody forms an increasing part of the work of the probation officers, and has helped to accentuate the problem of staff. However, officers who were formerly working under an excessive case load have had their burden reduced, and there is no reason to fear that the probation committee will fail to take necessary steps if case loads demand them.

As to probation itself, an interesting item in the report is the statement that out of 419 orders terminated during the year 1951 as many as forty-three were terminated in advance of the normal date on account of good progress. When a probationer's conduct makes it clear that supervision is no longer necessary, the discharge of the order has the double advantage of relieving an officer of unnecessary work and of encouraging the probationer by this expression of approval and confidence.

Crime Courtesy Campaign

"Nine polite detectives," says a newspaper, "are to deliver thousands of leaflets giving tips to firms, office workers and shop girls on how to avoid being robbed . . ." It seems these officers are the personnel of a Crime Courtesy Campaign aimed at securing the co-operation of all concerned in crime prevention. The detectives are under the control of a superintendent of the City of London police force.

One important aspect in reducing crime is obviously by attempting to make everyone crime conscious. With this object in view, exhibitions have been arranged by local police forces sponsored by the Home Office, articles printed in daily newspapers and special literature published for some years past. It cannot be denied that the criminal still finds fruitful fields to plunder.

In Saxon times, those who failed to exercise proper care and custody over their goods, and allowed them to be stolen, had to retake the thief or suffer a penalty. How would so inflexible a legal requirement fit today? Human nature, unfortunately, is hardly ever permanently moved to urgent activity by gentle

exhortation. The police have a hard task to perform in tracking the law-breaker, but their work would be immeasurably lightened by enthusiastic co-operation from house-holders, and indeed all people who have goods to lose.

The criminal thrives upon opportunity, and if men and women, by forethought, would reduce the margin of risk to a minimum the community would benefit. Crime is a constitutional liability financially; in every way lawlessness is bad for society. The Commissioner of the City of London police is to be congratulated upon his approach in this matter to those who live or work in the City. If he succeeds in reducing by only a fraction the amount of crime, the time and energy expended will have been well rewarded; the country will doubtless be quick to follow the London lead.

Roadside Waste

The Commons, Open Spaces and Footpaths, Preservation Society say in a recent issue of their journal that complaints reach them from time to time about the parking of vehicles on roadside waste, that is the grass verge between unenclosed land and the metalled road. Speaking generally, these verges are subject to a public right of way as much as the made-up strip of the road, so that the parking of vehicles on the verge is technically an obstruction of the highway, just as would be the leaving of a lorry in the roadway itself. The degree of obstruction caused is generally less where a vehicle is drawn upon the verge, and police usually recognize this by not interfering with a reasonable stay. The society point out, however, that the verges afford passage for walkers and horseriders, and these users are entitled to enjoy them without fear of colliding with stationary vehicles, often left without lights. This is particularly true when there is a side-walk on the verge, or where the parked vehicle obstructs the opening of a footpath which joins the road at that point. A gypsy horse caravan in a convenient recess for a short time is something that a sensible person would not wish to move on, but cars and lorries on the roadside can be (and often are) both a danger and a nuisance. The temptation to the motorist to place them here is lessened, and the enforcement of the law is made the less invidious, where county councils cut into the verge to make a "lay by," and put up adequate signs informing drivers how far they have to go to find it.

Education in 1951

A tendency of annual reports to be a monotonous and bald reiteration of more or less well-known recent history is largely absent from those of the Ministry of Education. Ten chapters, ninety-eight tables and some diagrams indicating trends from the past into the future, contained in the Ministry's report for 1951, give and discuss information in ways which should yield considerable satisfaction to local education authorities, parents and many others interested in the functioning of a service having a highly important bearing upon national quality in economic, cultural, political and other spheres for many years ahead. Probably, the well-developed faculty for critical examination which is a feature of democratic society renders unnecessary specific warnings against occasional danger that greater truth sometimes lies beneath a glossy exterior.

Pupils and teachers being largely the body and soul of any educational system, a good deal of attention will be focussed on obvious factors affecting them set out in cap. I of the report. For instance, a diagram accompanied by numbers demonstrates variations of pressure on different types of accommodation and tuition, actual and forecast, between the years 1938 and 1956. In total, the school population in England and Wales fell from 5,289,000 in 1938 to 4,881,000 in 1947, due to lower birth-rate during the war, but is expected to rise by about thirty *per cent.* to 6,445,000 in 1956. Significant changes in the composition of the total are the uneven annual increases of children aged 5.0 to 7.6, from 1,298,000 in 1947 to 1,892,000 in 1954, followed by a decrease to 1,666,000 in 1956; children aged 7.6 to 11.4 will increase from 1,964,000 in 1950, fairly evenly, to 2,605,000 in 1956; children aged 11.4 to 15.0 will remain fairly constant around 1,800,000 from 1949 to 1954 but problems initiated by erratic birth-rate can be visualized from subsequent increases ushered in with a rise to 1,972,000 in 1956.

A smaller increase in the number of teachers in primary and secondary schools was recorded in January, 1952, than in any of the preceding four years, due to a smaller last contribution from the emergency training scheme. This decrease unfortunately marks the onset of a period in which the supply of women teachers is unlikely to match the increase in the population of primary schools. Some correction of the deficiency seems likely, however, as a result of special efforts in 1951, partly instigated by the national advisory council on the training and supply of teachers, which filled nearly all the 8,000 places available in women's two-year training colleges when term began in the autumn. The lag in the supply of teachers will impair the improvement evident from tables 8 and 9 of the report as regards over-sized classes; between January, 1950 and 1951, the proportion of children in primary and secondary schools being taught in over-sized classes fell from forty-eight to forty-six *per cent.*, but there were still nearly 108,000 classes (considerably more than one-half of the total number) with more than thirty pupils on registers. This and some other dark streaks on the educational horizon are congruent with cautious pessimism in the introduction to the report by the Minister of Education.

Legal Advisers of Hospital Boards

An award nearer to the salary scale offered by the management side than that sought by the staff side was made by the industrial court which determined a difference concerning full-time salaried legal advisers serving seven regional hospital boards. The new scale will take eight years to traverse from £1,150 to £1,550 per annum, compared with the present eleven years from £1,000 to £1,350, that of five years from £1,625 to £2,000 which was sought by the staff side, and that of eight years from £1,100 to £1,450 which was offered by the management side. Arguments laid before the court from both sides were certainly comprehensive and powerful, though, not unnaturally, variable as regards degrees of cogency, but the weight given to each in their "careful consideration" by the court can hardly be divined; it may be imagined that current circumstances in wider economic fields exerted some influence on the decision of the court, which, whether such influence is specific or not, may be regarded as a misfortune by any administrative staffs whose claims happen to mature at a time of financial stringency, possibly induced by earlier "rounds" of increases in other spheres which have led to devaluation of salaries from public bodies.

Contentions before the court were mainly centred on the extent and finality of the responsibility carried by the legal advisers of regional hospital boards. As the staff side readily admitted, the position of these boards is a peculiar one within the national health service, acting as agents of the Minister of Health, but the staff side had some strong points, among others, about no instructions having ever been issued on the duties of legal advisers and their being called on to advise at short notice on all day-to-day problems which are evoked by the complexity and variety of hospital organization. A comparison of large populations in the areas of hospital boards with much smaller populations used to regulate higher salary ranges of town and

district council clerks was a weaker, almost irrelevant, point, looking at the final responsibility exercised by a local authority over a wide range of functions. Some similarity between the scale awarded and that applicable to Civil Service senior legal assistants suggests that the court selected this as comparable from a hierarchy of grades for legal staff of the Civil Service, the Coal Board, the British Electricity Authority and the London County Council which was detailed to the court. If such is the case, the Law Society is unlikely to be satisfied that their earlier protest to the Permanent Secretary of the Ministry of Health has been met, that the status and service of the legal advisers to regional hospital boards were not being adequately recognized.

THE RETIREMENT OF THE JUSTICES' CLERK WITH HIS BENCH

By J. N. MARTIN

Most of the readers of this journal who are clerks to justices or solicitors practising in magistrates' courts will have noticed—indeed, will have applied much earnest consideration to—the reports of the *dictum* of the Lord Chief Justice in the case of *R.* v. *East Kerrier Justices, ex parte Mundy* (already mentioned on p. 415, *ante*), on the question of the retirement of the clerk to the justices with his bench when they leave the court to consider their decision.

For the convenience of those readers who have not the text of the report at hand, we reproduce here the relevant passage from [1952] 2 All E.R. 146 :

> " Another matter which I feel bound to mention is this. Although I cannot for the moment trace the authority, I think it has certainly been said more than once in this court that it is not right that the justices' clerk should retire with the justices. It has been said over and over again that the decision must be the decision of the justices, not the decision of the justices and their clerk, still less the decision of the clerk, and, if the clerk retires with the justices, people will inevitably form the conclusion that the justices' clerk may influence the justices, or may take some course which it is for the justices alone to take. The justices can always send for the clerk if they require advice on a point of law because that is what the clerk is there for, but it is not desirable, and it is not, I would say, regular, for a clerk to retire with justices as a matter of course at the time they are considering the facts. He should remain in the court until the justices either return into court or send for him. Whether we should have quashed the conviction on the ground that the justices' clerk retired with them (although I believe it has been done in one case), I need not say. But we think it is undesirable and we hope that in future justices' clerks will not retire with their bench, unless their advice is required. For these reasons I think the conviction should be quashed."

An opinion expressed in such unequivocal terms by such a high authority ought usually to be accorded the utmost respect and any discussion of the matter on its merits embarked upon with the greatest reserve. When, however, the opinion is directly contrary to a practice which, while perhaps not universal, prevails in a very substantial majority of magistrates' courts and has so prevailed for very many years, it is (it is submitted) right that it should receive close examination and that any apparent defects in premise and reasoning should be held up for impartial scrutiny and outspoken comment however eminent the author of the *dictum*.

As a preparation for such a scrutiny the writer has made a careful and, he believes, exhaustive search for the authorities referred to by the Lord Chief Justice at the beginning of the passage quoted above, without any success. From time to time, it is true, an unreported case will contain a *dictum* on some point or other which escapes general notice, but for the reasons given above about the prevalence of the practice in question, it is well-nigh inconceivable that any authoritative criticism of the practice could have escaped wide publicity. The nearest approach to an authority on the subject is, on the contrary, in clear disagreement with the views expressed by the Lord Chief Justice. This is the Report of the Departmental Committee on Justices' Clerks published in 1944 (Cmd. 6507) well-known under its more familiar title of the " Roche Report." The opinions expressed in this document were arrived at after hearing the evidence of a multitude of witnesses best qualified to speak on the various aspects of the office of clerk to justices, and after prolonged inquiry into and deliberation upon the various matters arising as specific issues. Paragraph 66 of the report contains this passage :

> " We however regard it as entirely proper and natural that justices may wish their clerk to retire with them."

It is true that the report does go on to say :

> " but this is a matter for the discretion of the justices, and it is only on their request that their clerk may accompany them."

All this means, however, is that the clerk may not insist on going out with them if they do not want him. This is very different from the views expressed by Lord Goddard. It should be made quite clear, of course, that if, as appears to be the case, the Lord Chief Justice was mistaken in his recollection of the authorities, that alone does not detract from the soundness of his judgment. An opinion is not necessarily wrong because it has not been re-iterated. On the other hand, where, if we are right, the opinion is a new departure and not even an extension of something which has been said before, the claim made above to scrutinise the whole matter must apply *a fortiori*.

The statement by the learned judge about the necessity for the decision being that of the justices alone is of course abundantly and incontestably true ; it may not have been said " over and over again " in decisions of the Queen's Bench (as the passage quoted seems to imply) but it has been said in these columns and elsewhere, and perhaps most frequently of all by justices' clerks themselves to their justices. Does it however follow that if the clerk retires with the justices people will " inevitably form the conclusion " that he may influence them, and, if it does, must not the same argument apply if they send for him after they have left the court ? Unless someone is to make a gratuitous announcement that the justices have come to a conclusion on the facts and require the attendance of the clerk to advise them on a point of law—not a very dignified proceeding, savouring as it would of an apology and probably involving some slightly embarrassing detail such as calling the parties back into court from some quiet retreat whither they had repaired with a cigarette—unless something like this is done might it not be suggested with equal force that " people will form the

conclusion " that the justices are unable to make up their minds on the facts and have had to send for their clerk to help them to do so?

Of course, there may be a clerk who behaves as if he is " running the court," who appears to exercise undue influence over the justices, who may, as the paragraph of the Roche Report referred to above puts it " act as if he is the court itself." In such cases there is, as the Report goes on to say " small wonder that his retirement is resented." Such resentment is however, really resentment of the behaviour of such a clerk *in toto*, of which his retirement with the justices is perhaps the " last straw." It is resentment of the retirement of a particular clerk for a particular reason, and not resentment of the retirement of clerks in general. To quote the report once more, " if the relationship of bench and clerk has been properly regulated in court, there will be no good grounds for criticizing the clerk's retirement with the justices."

The Lord Chief Justice reasons that the justices are the sole judges of fact and should come to a conclusion on the facts in the absence of the clerk so as to avoid any suspicion that they might have received any guidance from him. On the surface this argument is sound enough, and even attractive, until one reflects that what the justices have before them for consideration are not " the facts," but evidence of facts. Actually they have not even the evidence itself, but their recollection of the evidence, which in a long and complicated case may well prove faulty in some small but important detail. No lay justice, however experienced, can have a trained lawyer's ability to appreciate the precise significance of each detail of evidence and to fit it into its place in the whole picture as it is given, so that even if a magistrate should make a note of the evidence himself it is not likely to be as accurate as the clerk's note. It is worth mentioning in passing, too, that where the High Court has said that there is a duty to make a note of evidence, the duty is cast upon the clerk.

Further than this, however, no single piece of evidence of any kind can be considered except in the light of the law of evidence. The law of evidence is based, it is true, on rules of common sense, but perhaps for this very reason it abounds in pitfalls for the unwary, so that even the simplest text-book on the subject is a mass of rules, exceptions, counter-exceptions, and references to decided cases and other authorities. It is by no means every question of admissibility, relevance, weight or corroboration which is decided, or even noticed, as the case proceeds. Then apart from the evidence itself there are questions of onus of proof, *mens rea*, criminal capacity, presumptions, and other matters, all of which are " points of law." If the clerk is to remain mute until his guidance is sought, the justices may never become aware that a point of law is involved.

The vast majority of lay justices will not be content merely to admit, they will sedulously claim that their clerk is not just someone who is there to supply advice on a point of law if they call for it ; they expect him to be constantly at their elbow to refresh their memory of the evidence from his notes, to offer advice on matters of law which occur to him, to correct them if they appear to be jumping to conclusions or failing to consider some relevant matter, and to intervene to prevent some step which would be clearly wrong. For example, there must be few justices' clerks who have not at some time or other before the 1948 Criminal Justice Act removed the possibility of confusion between two kinds of " dismissal," had to point out to their bench that they could not " dismiss on payment of costs " the case of a defendant whom they intended to give the benefit of the doubt. If the clerk had not been there no-one might ever have known that the accused had not been found guilty.

If the Lord Chief Justice's claim about the reaction of the public to the retirement of the clerk with the justices were true in anything approaching a general sense, one would have thought that magistrates, magistrates' clerks, solicitors and others who come in close and daily contact with the thousands upon thousands of people who appear before the magistrates' courts would be subjected to nothing less than a barrage of criticism and complaint. Yet everybody knows that it is only on rare occasions that a voice has been raised, and then the real cause may have been either a clerk exceeding his authority in court in the way mentioned above, or else a disgruntled advocate clutching at a straw.

The reason for this almost complete absence of criticism can only be that the general public, or that section of the public which is in a position to notice the matter, realises in a general sort of way the existence of the reasons for the presence of the clerk mentioned in the preceding paragraphs. The true attitude of the public is, it is submitted, not one of disapproval, it is not even one of indifference ; it is one of approval. The writer feels that the matter is summed up so well in an article appearing on p. 178 of Vol. CXII of this paper that the following extract ought to be repeated :

> " Whether the general public is really uneasy on this account is extremely doubtful. Most people know that the majority of lay justices, however conscientious and efficient they may be, are not sufficiently versed in law to be in no need of advice from a qualified clerk on points of law and practice. That the clerk should be a prominent figure in court and should take his part in regulating procedure seems to them natural enough. If, where the parties are unrepresented, the clerk questions witnesses and helps them to tell their story clearly, that also seems reasonable, so long as the clerk is seen to help each side impartially and with no apparent interest in the result of the case. If this is his attitude in court, neither the parties nor the public will be uneasy or suspicious on observing at various stages of the proceedings some conference between bench and clerk which cannot be overheard. There is, in fact, another quite different aspect of the matter ; as a metropolitan magistrate once said, it gives the public confidence in the court to observe such conferences taking place. It cannot be doubted that if the clerk to the justices is known and respected in the district in which he works, if he has the reputation of being accessible and helpful to those who are in need of information, and if he shows consistently that neither public bodies nor the police receive any special treatment from him, then those who are interested in what the court is doing will be glad to know that the clerk is the confidante and adviser of the bench. They would much prefer to feel that even the best of benches had received guidance in a matter of difficulty rather than that it had acted independently of, or even contrary to, the advice of such a clerk. It follows that, given a competent bench served by the right type of clerk there is really no reason to object to his retirement with the magistrates."

This extract calls attention to another point, which at the risk of labouring the matter ought to be dealt with. It speaks of " conferences which cannot be overheard " taking place between the justices and their clerk in the court itself. The writer asks what difference there can be in effect upon the minds of the parties and the public between such conferences actually seen to take place, and the possibility or even the probability of other similar conferences behind closed doors.

A discussion of this subject is not complete without a reference to the cases of *R.* v. *Sussex Justices, ex parte McCarthy* (1924) 88 J.P. 3 and *R.* v. *Essex Justices, ex parte Perkins* (1927) 91 J.P. 94. We have deliberately avoided the opportunity of

mentioning these cases earlier in this article although there seems to be more than a likelihood that they were the cases which the Lord Chief Justice must have had in mind. We have said that we are unable to find the authorities the existence of which is suggested in *R.* v. *East Kerrier Justices, supra*, because these two earlier cases clearly have no application to the general question of the retirement of a clerk with his bench. It may not be entirely wrong in one sense to say that they were cases in which a conviction or order was quashed because the clerk retired with the justices, but such a claim without careful qualification is so completely misleading, as to be virtually untrue. A perusal of the cases will show that both decisions—a conviction in one case and an order in the other—were quashed because of bias or the appearance of bias on the part of the justices' clerk arising from the existence of a solicitor-client relationship between his firm and one of the parties or an interested witness. How far these cases are from being any indication of disapproval of the general practice of the clerk retiring with the justices may best be judged by observing the following passages: Paragraph 4 of the justices' affidavit in the *McCarthy* case contains these words: "On the conclusion of the case the magistrates retired, Mr. Langham in the usual way retiring with them"; (Mr. Langham was the clerk). Lord Hewart, the then Lord Chief Justice, in his judgment, used these words "when that gentleman" (*i.e.*, the clerk) "retired in the usual way," and this passage was included in a quotation by Mr. Justice Avory in his judgment in the *Perkins* case in which the earlier case was referred to. In both of these cases the attention of the court was thus clearly drawn to the fact that it was "usual" for the justices' clerk to retire with the justices. If this had been thought to be wrong, or even undesirable, it is quite unthinkable that the court would have let pass two such opportunities of calling attention to the matter. As it is, if any conclusion at all can be reached about the effect of these cases upon the general practice, it is that the absence of any criticism means that the tacit approval of the court was given to what Lord Goddard has now condemned.

Condemned it now is, nevertheless, in quite definite terms, and there will be no question in the minds of most magistrates and their clerks but that every effort should be made to give effect to the Lord Chief Justice's views, whether or not they consider the foregoing criticisms to be well founded, and notwithstanding that the *dictum* in question is *obiter*, provided that the course of justice does not suffer thereby. We feel bound, although with some diffidence, to add this proviso, because as has already been indicated it is not such an entirely simple thing as might at first appear. It will not do for an omnibus announcement to be made by the justices that they always require the presence of their clerk when retiring, for that will not make his retirement any less a "matter of course" than if no announcement had been made. It will equally become a matter of course if an *ad hoc* announcement or request be made each time the justices retire. If they retire without him but invariably or even usually send for him after a lapse of time this may with some reason be thought to be merely paying lip-service to the *dictum*. If they ask his advice upon the question whether it is a case where they ought to send for him or take him with them that seems to be an evasion of the responsibility which Lord Goddard indicates should be theirs. On the other hand, if they genuinely attempt to manage without the clerk, only calling on him if a point of law occurs to them most magistrates will be the first to admit that their chances of making a mistake will be greater than if the clerk had been at hand. It must be remembered that generally speaking it is the simple cases which are disposed of without a retirement, and the involved or difficult cases which need consideration in private, and that the magistrates do not always have the advantage which a jury has, of having both sides presented by an advocate, and never that of a summing-up by a trained legal mind which is the invariable conclusion of the simplest contested case in the higher courts.

Some courts may even take the view that because the *dictum* is *obiter* it need not be followed. The Lord Chief Justice has himself in the case of *Wheatley* v. *Wheatley* [1949] 2 All E.R. 428; 113 J.P. 459, called the attention of justices to the limitation of the effect of such an expression of opinion. In that case a substantive decision of the Divisional Court had been disapproved in an *obiter dictum* of the Court of Appeal, and because of that disapproval was not followed by a bench of magistrates. Subsequently, in the case referred to, the Divisional Court quashed the magistrates' decision, pointing out that the earlier decision was not over-ruled. In the present case, however, there is (as yet) no substantive approval by the courts of the practice criticized by the Lord Chief Justice, so that it would probably be thought to be unsafe to disregard what he has said. In any case, it is not the function of this article, and very far from the intention of its author, to offer advice upon the procedure to be followed; it is essentially a matter for each bench of justices to work out for themselves. We do not even presume to be imparting information, because nothing has been written which is not common knowledge among magistrates and their clerks throughout the country. We have merely ventured to put upon record the reasons for a widespread disquiet which has been occasioned by a judicial pronouncement, the effect of which may well be the reverse of what was intended. Let it not be thought for a moment that this disquiet owes anything to any addition to the sometimes difficult task of the great body of lay justices—they will say at once that that does not matter—or to any imagined loss of dignity on the part of the clerks—that would matter even less. What does matter is the adverse effect it may have upon the proper administration of justice in the magistrates' courts and upon the respect of the public for that administration.

ONE MORE

"One for the road"—and he pours out the stuff
But the road has already had more than enough.

REFLECTION

'Tis ordered well that Man should not return
Nor know how fares what he has left behind,
He can but little of advantage learn
And only fault and disappointment find.
No triumph e'er compared with glories gone,
The critic leaves—but still the play goes on.

POPULAR MISCONCEPTIONS OF THE LAW—III

1

That the other side will surely have to pay
The costs of today.

2

That the Judge must surely know
The actual *locus in quo*.

3

That because one counsel is paid twice as much as the other
He must be twice as good as his learned brother.

4

That although some things are still rather erratic
Discretion has now become almost automatic.

J.P.C.

REMINDERS ON DRAFTING A LEASE

By " ESSEX "

The tables set out below are intended to enable a draftsman to improve on the hit or miss method of drafting by selecting " by eye," from a book or file of precedents, the leases or parts of leases which best seem to fit the need. Instead, a " rule " is to be used so that the appropriate clauses can be selected with confidence and yet without hesitation. A few preparatory words are expedient. It is assumed that the instructions of the client have been taken, be he an individual, the board of a company or statutory body, or the committee of a local authority. In most cases those instructions will have gone into very little detail and the solicitor or his clerk using these tables is, as it were, acting an interview at which further and better instructions are obtained, but he is playing both parts himself. At the end of the interview, if he has instructed himself competently, he will be in a position to dictate the complete draft lease without any pauses; further, he will have arrived at that position in the shortest possible time.

The first question to be decided is whether the document is to be a lease under seal, a tenancy agreement under hand, an executory agreement to be followed by a second document later, or even a licence and not a lease at all. There are advantages in the latter apart from the financial saving on stamp duties, and yet many leases are granted when the needs of both parties could have been adequately met by a licence. A rough guide is whether there is a need to lock the premises against the landlord (in contrast to a right to use and lock a cupboard such as will suffice, for example, for a football club) or a need to be allowed to alter the premises or their decoration. If the parties are in a position to be able to trust one another with certainty, the reference to the financial payments can be omitted from the licence and no liability to stamp duty will arise unless there are covenants, when 6*d*. or 10*s*. agreement duty will be payable. That introduces a further point solicitors to corporations must decide: in the case of a licence, though not a lease, it is cheaper to make the document one to be executed under the hand of an agent rather than one to which the seal must be affixed; in both cases it is simpler.

The first table lists all common form clauses from which selection should be made by ticks in the right-hand margin The second table, useful to ensure that no material part of the first half of the document is left out, can than be similarly dealt with. Both tables can well be stocked in the office in a printed or duplicated form; a refinement that is worth its weight in gold is to add the page number of the favourite precedent for each clause before so printing the tables. Clauses special to a particular occasion such as the granting of a lease of a farm will not be likely to be overlooked and there is, therefore, no reference to them in the tables now appended, but in an office frequently needing precedents of farm or any other special types of lease it would be worth while spending half an hour in preparing an extra section to add to Table I.

I. Clauses in Leases

Clauses	*Reference to Precedents*	*Tick when selected X-tick when dictated*
PARCELS		
(1) Land		
(2) Exceptions and Additions. (*a*) messuage and outbuildings (*b*) premises (*c*) use of outbuilding		
" " conveniences		
" " corridors and stairs		
" " drive way		
PARCELS (*contd.*)		
(*d*) easements of way		
" " drainage		
" " support		
" " eavesdrop		
" " light and air		
COVENANTS IN RESPECT OF REPAIRS: LANDLORD OR TENANT		State 'L' or 'T'
(1) (*a*) The whole premises		
(*b*) Interior only		
(2) (*a*) Good and tenantable repair		
(*b*) Condition now in — schedule		
(*c*) with exception of War Damage		
(*d*) paper and paint		
(3) To pay proportion of repair to walls, etc.		
(4) To permit landlord to enter to view condition of premises and to repair on notice		
(5) To execute works required by local authority		
(6) To permit lessor to enter to repair adjoining premises		
(7) To permit lessor to enter and do repairs required by head lease		
(8) To expend a minimum sum on repairs		
COVENANTS: TENANT		
Rent		
To pay inclusive/exclusive		
Rates, taxes, outgoings		
(1) Full covenant to pay		
(2) Qualified covenant to pay		
(3) To pay increased rent on increase of rates where landlord pays rates		
(4) To pay charges for services		
Alterations		
(1) Not to make without consent		
(2) Not to cut or maim walls, etc.		
(3) To reinstate alterations made in breach of covenant		
Insurance		
(1) (*a*) To insure		
(*b*) To pay landlord premiums paid for insurance		
(2) Not to avoid insurance		
(3) To rebuild in case of fire		
(4) To apply in rebuilding money received from insurance not covenanted to be effected		
Assignment		
(1) Not to assign or underlet		
(i) directly or indirectly		
(ii) without written consent		
(2) To register assignments		
(3) To give lessor notice of assignment of lease		
Law of Property Act, 1925, *s*. 146		
To pay landlord's costs incidental to notice		
User		
(1) To use only for		
(2) Not to carry on specified trades		
(3) Against nuisance or annoyance to lessor or his tenants or neighbours		
(4) Against obstructions of light and air		

Clauses	*Reference to Precedents*	*Tick when selected X-tick when dictated*
COVENANTS: TENANT *(contd.)*		
User		
(5) Against carrying out development (under planning law)		
(6) Against displaying advertisements, notices, name plates		
(7) To pay cost of abating nuisance		
Inventory of fixtures		
To permit lessor to enter and make		
Reletting		
To permit landlord to affix notice for		
Covenants in head lease		
By under-lessee to perform		
Renewal		
To apply for before specified date		
Stamp Duty		
To pay on lease/and counterpart		
To *Yield up*		
LANDLORD'S COVENANTS		
To insure and rebuild in case of fire		
To apply in rebuilding, etc. money received from insurance not covenanted to be effected		
Not to permit specified trade on adjoining property of landlord		
To pay rent and observe covenants of head lease		
For quiet enjoyment		
OPTION CLAUSES		
Of lessor to pre-emption on an assignment		
Of tenant to purchase landlord's reversion		
Of tenant to pre-emption on sale of the demised premises		
Of tenant to further term		
(i) on the same terms		
(ii) on the same terms except for this further term		
PROVISOS		
For re-entry on		
(*a*) non-payment of rent . . . . . days		
(*b*) bankruptcy or composition, liquidation		
(*c*) breach of covenant		
For suspension of rent in case of fire		
For cesser of tenancy if premises condemned or use forbidden by competent authority		
For determination of tenancy during its currency on (i) specified occasions or (ii) generally		
For service of notices		
For arbitration		

II. Formal Parts of Lease

Title of part	*Brief wording*	*Tick when selected X-tick when dictated*
Title and Operative Words	1. (*a*) This Lease . . . landlord demises unto tenant	
	(*b*) An agreement . . . landlord shall/agrees to let and tenant shall/agrees to take	
	(*c*) An agreement . . . . landlord lets and tenant takes	
Parties	2. (*a*) of (*b*) whose principal/registered office is situate at	(*a*) (*b*)
Parties *(contd.)*	3. which expression shall where the context so admits include (*a*) his successors in title (*b*) the persons deriving title under him (*c*) his assigns (*d*) the person for the time being entitled to the reversion immediately expectant on the determination of the term hereby created	(*a*) (*b*) (*c*) (*d*)
	4. (*a*) by/by the hand of/acting by hereinafter called the Clerk/Director*	
	(*b*) trading as & Co.	
	5. hereinafter called the landlord/tenant/ (-) company/ (-) Council*	
Recitals	6. authority of individuals signing on behalf of unincorporated association to do so*	
Testatum	7. (*a*) Now in consideration of the rent(s) hereby resvd. and of the tenants covts. hereinafter contained this deed witnesseth as follows 1. The landlord etc.	
	(*b*) Now this deed witnesseth as follows 1. (In consideration . . . cont.) the landlord etc.	
Parcels	8. (*a*) All that those . . . . . (short particulars whereof are set out in the (1st*) schedule hereto)	
	8. (*b*) the premises described in the (1st*) schedule hereto	
	9. (All which (said piece of parcel of land*) as is (with the (dimensions and) abuttals thereof) (*a*) shown on the plan drawn in the margin hereof/annexed hereto	
	(*b*) more particularly delineated(and described (by pink colour)) on the plan attached to this Deed (and thereon coloured . . . . .)	
	(*c*) Situate at . . . . . and particularly described in the (1st*) Schedule hereto and delineated in the map drawn on these presents/annexed hereto and thereon coloured	
	10. (*a*) By way of identification and not so as to limit or enlarge the hereinbefore written description thereof	
	(*b*) By way of description only and not of limitation or conveyance	
	11. (*a*) (And) Together (also) with	
	(*b*) (And) Except (nevertheless out of this demise/and (always)) Reserved/Reserving (unto the the lessor (nevertheless out of this demise)) the full right of/full right and liberty in common with the tenant and all other persons thereto entitled/authorised by him	
Habendum	12. (*a*) To hold the same unto the tenant from the . . . . . day of	
	(*b*) On a weekly tenancy	
	13. (*a*) for the term of . . . . . years (and thereafter . . . . . [as (*c*)])	
	(*b*) until the . . . . . day of	

Footnotes:

1. * or as the case may be.
2. Where alternatives are shown by oblique stroke or brackets choice must be indicated by striking out in body as well as ticking in right hand margin.

Title of part	*Brief wording*	*Tick when selected X-tick when dictated*
Habdenum (*contd.*)	(*c*) from year* to year* until (the tenancy shall be) determined (at the end of the first or any subsequent year*) by three months'* previous notice in writing given by either* party to the other.	
Reddendum	14. (*a*) Paying therefor (yearly*) (and proportionately for any fraction of a year) during the said term (*b*) at the weekly* rent of £ 15. (*a*) the yearly* rent of £ (*b*) £..... per week* 16. for ..... and £..... for..... 17. if demanded 18. by equal (quarterly*) payments 19. (to be made/due payable and recoverable) (half yearly*) (in advance) (for the quarter* next succeeding each of the said days respectively) 20. (*a*) on the usual quarter days in each/every (*b*) on ..... and ..... year 21. (*a*) (of which) the first (of such payments) shall/to be made on ..... the day of commencement of the tenancy/the execution/of these presents/hereof (*b*) commencing on	

Title of part	*Brief wording*	*Tick when selected X-tick when dictated*
Reddendum (*contd.*)	(*c*) the first of such payments having been made in advance prior to the execution of this lease for the quarter* ending on the ..... inst. 22. (*a*) And every subsequent quarter's* rent/payment to be etc. (*b*) And thenceforward 23. *See* 20 24. And the last to be made one quarter* in advance 25. (to be paid) (in each case) without any deduction (whatsoever) except for 26. (*a*) landlord's property tax (and such further deductions if any as may lawfully be made in respect of.....) (*b*) such deductions as the tenant may be authorized by law to make notwithstanding any contract to the contrary 27. *See* 20	

Footnotes :

1. * or as the case may be.
2. Where alternatives are shown by oblique stroke or brackets choice must be indicated by striking out in body as well as ticking in right hand margin.

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WEEKLY NOTES OF CASES

COURT OF APPEAL

(Before Singleton, Denning and Romer, L.JJ.)

R. *v.* MINISTER OF HOUSING AND LOCAL GOVERNMENT AND ANOTHER. *Ex parte* HOVE CORPORATION

June 23, 24, 25, 1952

Electricity—Nationalization—Vesting of property in British Electricity Authority—Authorized undertaker a local authority—Property held in capacity as authorized undertaker—Surplus net revenue transferred to general rate fund but not applicable in aid of local rates—Electricity Act, 1947 (*c.* 54), *s.* 15 (1).

APPLICATION for an order of *certiorari*.

By s. 14 of the Electricity Act, 1947, all property, rights and liabilities of electricity undertakers to whom the Act applied were to vest in the British Electricity Authority on April 1, 1948, but in the case of undertakers who were local authorities, s. 15 (1) of the Act provided that s. 14 should apply only to property held or used by the local authority wholly or mainly in their capacity as authorized undertakers, and rights, liabilities and obligations acquired or incurred by the local authority in the said capacity.

Among the assets of Hove Corporation at the vesting date was a sum of £17,520 9*s.* 3*d.* representing net surplus revenue which had accrued from its electricity undertaking and had been transferred to the general rate fund in pursuance of s. 185 (1) of the Local Government Act, 1933. Section 194 of that Act provided that nothing in s. 185 should be deemed to require or authorize a local authority to apply or dispose of the surplus revenue arising from any undertaking carried on by them otherwise than in accordance with the provisions of any enactment or statutory order relating to the undertaking. An enactment which related to the Hove Corporation's electricity undertaking was s. 7 of the Electric Lighting (Clauses) Act, 1899, as amended by s. 43 and sch. V of the Electricity Supply, 1926, and under the provisions thereof Hove Corporation was unable to apply the said sum in aid of the local rates, but was bound to hold the money for certain purposes of its electricity undertaking.

The question whether the sum of money in question vested in the British Electricity Authority was referred to the Minister (who was then the Minister of Local Government and Planning) under s. 15 (3) of the Electricity Act, 1947, who determined that the sum was property held, or rights acquired, by the corporation wholly or mainly in its capacity as an authorized undertaker, and so vested in the British Electricity Authority.

Hove Corporation moved the Queen's Bench Divisional Court for leave to apply for *certiorari* to bring up and quash the Minister's determination, but the court refused leave. The corporation now appealed to the Court of Appeal.

Held, that, as the corporation was bound to hold the money for the purpose of its electricity undertaking, it was property which it held wholly or mainly in its capacity as an authorized undertaker, and which vested in the British Electricity Authority.

Application dismissed.

Counsel : *Capewell*, *Q.C.*, and *Squibb*, for the corporation ; *J. P. Ashworth* for the Minister ; *Willis*, *Q.C.*, and *H. Patrick Stirling*, for the British Electricity Authority.

Solicitors : *Sharpe, Pritchard & Co.*, agents for *John E. Stevens*, town clerk, Hove ; *Solicitor, Ministry of Housing and Local Government ; R. A. Finn, Solicitor, British Electricity Authority.*

(Reported by C. N. Beattie, Esq., Barrister-at-Law.)

CHANCERY DIVISION

(Wynn-Parry, J.)

NORTH-EASTERN GAS BOARD *v.* LEEDS CORPORATION

May 27, 1952

Gas—Nationalization—Vesting of assets in area gas board—Undertaking formerly maintained by local authority—Expenses and receipts of undertaking to be paid out of and into general rate fund—Authority directed " to show under a separate heading or division " accounts of their undertakings—Power to provide reserve fund in respect of undertaking—Deficit in undertaking's account on date of property vesting in gas board under Gas Act, 1948*—Liability of authority to account to gas board for surplus revenue of undertaking transferred in* 1947 *to general rate fund—Leeds Corporation (Consolidation) Act*, 1905 (*c.* i), *s.* 54, *s.* 337, *s.* 338.

By the Leeds Corporation (Consolidation) Act, 1905, s. 54, all the receipts of the corporation's gas undertaking were to be paid into the general rate fund, all expenses in respect of the undertaking were to be paid out of that fund, and the corporation were to " keep as part of their accounts a separate account as in this Act hereinafter provided." The Act contained similar provisions in regard to other undertakings of the corporation. By s. 337 the corporation were required to " keep their accounts so as to show under a separate heading or division in respect of each of " five named undertakings, including the gas undertaking, certain specified matters, *e.g.*, (*a*) the

expenses and cost of the undertaking, and, *(b)* the interest on moneys borrowed by the corporation and applied for the purposes of the undertaking. Section 338 authorized the creation of a reserve fund in respect of each of the undertakings. For the year ending March 31, 1946, the surplus revenue of the gas undertaking was £93,639 5*s.* and between that date and March 31, 1947, the corporation transferred that sum, in their accounts, to the credit of their general rate fund. In May, 1947, they transferred to the general rate fund sums amounting to £29,487 18*s.* 6*d.*, which, between 1941 and 1946, they had set aside in their accounts, from moneys received in respect of their gas undertaking, to meet contributions which might have become due from them under the War Damage Acts, 1941 and 1943, in respect of that undertaking. On May 1, 1949, when the corporation's gas undertaking vested in the plaintiff gas board under the Gas Act, 1948, the corporation's account in respect of the undertaking showed a deficit. The gas board claimed the sums of £93,639 5*s.* and £29,487 18*s.* 6*d.*, on the ground that the corporation were not entitled to transfer those sums to their general rate fund.

Held: the object of the direction in s. 337 of the Act of 1905 that the corporation were to show in their accounts under separate headings or divisions the receipts and expenses of their various undertakings was merely to enable the corporation to ascertain the financial position of the undertakings, and there was nothing in s. 54, s. 337, or s. 338, to indicate that the gas undertaking was to be regarded as a creditor or debtor of the general rate fund, according to whether the undertaking was at the time in credit or in debit with the fund, and, therefore, the corporation were entitled to transfer the sums of £93,639 5*s.* and £29,487 18*s.* 6*d.* to their general rate fund and were not accountable for them to the gas board.

Observations of LORD GREENE, M.R., in *Allchin* v. *Coulthard*, (1942) 107 J.P. 191, applied.

Counsel: *Russell, Q.C.*, and *J. P. Ashworth*, for the gas board; *Sir Andrew Clark, Q.C.*, and *Denys B. Buckley*, for the corporation.

Solicitors: *Sherwood & Co.*; *Sharpe, Pritchard & Co.*, for *O. A. Radley*, town clerk, Leeds.

(Reported by R. D. H. Osborne, Esq., Barrister-at-Law.)

MISCELLANEOUS INFORMATION

THE SOCIETY OF TOWN CLERKS—ANNUAL CONFERENCE

Amongst the papers submitted at the annual conference of the Society of Town Clerks, held at Eastbourne on June 16 and 17, were one by Sir Thomas Sheepshanks, K.C.B., K.B.E., permanent secretary of the Ministry of Housing and Local Government, on "Changes in the relations between the Ministry and Local Government during the last thirty years"; and one by Mr. J. Waring Sainsbury, M.A., LL.B., town clerk of Kensington, entitled "Let's get on with the job."

Sir Thomas Sheepshanks explained that he had used the word "Ministry" because the Ministry of which he was speaking had had three different titles—the Ministry of Health, the Ministry of Local Government and Planning, and now the Ministry of Housing and Local Government. The views he expressed in his paper are all the more valuable because his experience in the Civil Service goes back to his entry in the old Ministry of Health in 1919 just after it was formed by a merger of the old Local Government Board and the National Insurance Commission. He was surprised then to find how "stiff and formal most of the relationships between the Ministry and local authorities were, how much of the correspondence was in the shape of formal official letters, how much time was spent in preparing successive drafts in longhand and how comparatively little was done either by semi-official correspondence or by personal interview." The change of attitude was due in his view to two main reasons—one the appreciation of the shorthand typist and two, the urgency of the housing problem after the first world war and the decision to entrust local authorities with major responsibility in this field. So the practice quickly developed of local authorities coming to the Ministry and settling their affairs in discussion round the table. In fact, they were encouraged to come and they came willingly. We have sometimes wondered whether the tendency of local authorities to send deputations to Government departments—often asking to see the Minister but seldom doing so—is worth while and may not sometimes be an excuse for a trip to London, but evidently Sir Thomas Sheepshanks, from his wide experience, thinks differently. He points out that it is through meeting deputations that the department get to know councillors and officials personally; on each side they are helped to understand the other's point of view.

We are sure that he is sound in his further opinion that it was valuable when the parallel practice was developed of officers of the Ministry going out into the field and meeting local authorities in their own areas rather than invariably seeing them in Whitehall. He is anxious that as many as possible of the department should get something of the same experience and it is because of this that he feels a degree of uneasiness about some aspects of the present-day regional administration, necessary as this was during the war. He suggested that there is a danger, just because the regional officers are accessible and ready to help, that local authorities may look to them for suggestions that they ought to think out for themselves, and may seek to unload on the regional officers responsibility for the less pleasant decisions which the authorities ought themselves to take. He did not like to feel that the regional system excludes the headquarters officer from that direct contact with local authorities which is so necessary if he is to be of the fullest value to a local government Ministry. He went on, therefore, to urge town clerks to go to Whitehall, to see him and his senior colleagues, and complained that very few of them had called at the department since the reunion of planning and the local government side of the old Ministry of Health. As he has given permission for his paper to be published, we assume that the invitation extends to county clerks and the clerks of other local authorities. We only hope that too many of them will not take his invitation too literally—at any rate in the immediate future—or there may be further need for a manpower committee. He did, however, show much understanding when he said "an hour's gossip with a town clerk about anything and everything, even though nothing specific seems to emerge, can scatter several seeds—and the ground is not really stony" though some of his hearers might think so. The position was very different in the early days of some of our readers.

In the second section of his paper Sir Thomas referred to the appellate jurisdiction of the Minister, at which criticism is sometimes directed, and pointed out that some of the criticisms do not take adequate account of the fact that to a large extent the issues involved are conditioned by questions of policy for which the Minister is responsible to Parliament and that he cannot divest himself of that responsibility by shifting the jurisdiction to someone else. He mentioned that for some years it had been the practice to give reasons for the Minister's decision following a local inquiry. We wish this practice was followed by all departments when conveying a decision of their Minister. Undoubtedly by giving reasons the parties have the satisfaction of realizing that the decision was not one which was taken in an irresponsible or arbitrary manner.

Turning to finance, Sir Thomas pointed out that in 1921-22 the total expenditure on rate fund services was £264 millions, the specific grants £74 millions and unallocated grants only £2¼ millions (the aggregate of grants amounting to twenty-nine *per cent.* of the expenditure). Rates collected were £171 millions (sixty-five *per cent.* of the expenditure). Education was the highest spender of rate moneys—£78 millions of expenditure of which £32 millions fell on the rates. Other notable items were £34 millions for the relief of the poor (almost all of it a rate charge); £38 millions on highways of which £30 millions was found by rates, and £21 millions for police, shared equally between rates and taxes. Though housing was politically important it left only a comparatively small burden to be carried on the rates—the rate levy for housing and town planning together was only £1 million. In comparison the total expenditure on rate fund services in 1949-50 (the last available year), was three times as high at the figure of £706 millions. Specific grants were £246 millions and unallocated grants £48 millions, all grants combined amounting to four times the earlier figure, and forty-two *per cent.* of the expenditure. Rates totalled £285 millions—forty *per cent.* of the expenditure and less than the total of grants. If the equalization grants and one or two others were left out of the picutre as not involving any controls over local authorities, the deduction amounts only to £48 millions and the main features of the situation are not materially changed. The balance of expenditure met otherwise than out of rates or grants is larger than in 1922 because of the significant item for rents of council houses, now a distinct element in local politics, £49 millions.

Finally in his paper Sir Thomas referred to the loss of some functions that local authorities formerly enjoyed and the much closer central control exercised over others. He felt that this trend was a matter of real concern as he believed that the continued strength and independence of local government is immensely important to the maintenance of the democratic system. Many people are ready to talk about the importance of a strong and independent system of local government but when dealing with a particular issue they are by no means so ready to accept the principle that a Minister cannot—and ought not try to—override a local authority on a decision which they themselves do not like. He suggested that it would be a great help if local government areas were so arranged that their authorities are strong; that each has a reasonably self-contained unit; that each is able to look after the local end of all the services on which the health and welfare of the people depends, and yet that they are not so large that they lose contact with their electors. In spite of all the

difficulties he hoped that his tenure as permanent secretary would see a start made on the reform of local government. In the meantime it could not be contended that local authorities could do nothing to help themselves. Take housing. In spite of the circular issued by the Minister of Health in February, 1950, that housing authorities need no longer submit housing designs to the Minister, local authorities continue to lean very heavily on the Ministry's architects. But " was it healthy that local authorities should have shown so little zest for independence ? " On the control of house prices, the authorities have shown even less eagerness to shoulder their responsibilties. They often leave it to the department to secure a reduction in price. Sir Thomas admitted that it was possible that the control which has been exercised has been the cause of this apparent weakening in the local authorities' sense of responsibility ; and that the only way to stiffen the authorities is to abandon the control. This was the sort of question on which he wanted more light and leading from informal contacts with those in local government who, he thought, knew the answer so much better than he did.

Let's Get On with the Job

Mr. Sainsbury sought in his paper to make local government so efficient as to attract and retain the enthusiasm of the best type of elected representative. He was very scathing in comparing the administration of the average town with a commercial undertaking and complained of the " dilatoriness and inefficiency in our procedures." In supporting his views he quoted the criticisms levelled in 1950 at local authorities' procedure by the Civil Service representatives on the departmental working party concerned with the Local Government Manpower Committee. Referring to the lack of settled policy of many authorities he wondered whether there should be a Policy Making Committee to review annually the whole field of the authority's activities and put forward recommendations in general terms as to what the policy of the council should be. He admitted, however, that the setting up of such a committee would involve many difficulties particularly where the council was closely divided politically.

We think, however, Mr. Sainsbury was on firmer grounds when, in the second part of his paper, he referred to the lack of adequate delegation to committees and devolution to officers. He pointed out that in spite of the powers given by s. 85 (1) of the Local Government Act, 1933, the practice as regards delegation varies enormously. In some authorities committees are required to report all their proceedings to the council whose approval to their acts and proceedings is required except in a few matters. On the other hand, in other cases the terms of reference to committees are such as to confer delegated powers to the fullest extent permitted by statute but even so it is fairly common for committees to seek approval to action proposed to be taken. He criticized their timidity in so doing. With regard to officers he agreed that there can be no delegation in the strict sense but there was considerable scope for an extension in the authority of the chief officers to act for the council as is the practice of the London County Council and some of the other large authorities. Similarly with regard to staff control in many areas appointments to permanent posts in even such lowly grades as the clerical and lower A.P.T. divisions are reserved to at least a sub-committee. He suggested that this is carrying the " safeguards against bureaucracy, nepotism or favouritism " to absurd lengths. Here also the example of the larger authorities is to be commended.

In conclusion, Mr. Sainsbury suggested that the weaknesses in present-day local government are : lack of clear direction on policy matters, refusal by councils to delegate, or timidity on the part of committees to accept full delegation (although we believe this by no means applies to all authorities) and over-concern by the elected representatives in matter of detail. In his view, if local government is to survive, it must conduct its business with efficiency and dispatch.

MONEY AND PROPERTY AGREEMENT BETWEEN HER MAJESTY'S GOVERNMENT AND THE AUSTRIAN GOVERNMENT

1. The Agreement provides for the transfer of moneys held by Custodians of Enemy Property to the Austrian Federal Government who will pay the schilling equivalent to the " Austrian person " (*see* para. 4 below) who has been entitled thereto and for the release of property other than money held by Custodians of Enemy Property direct to the Austrian person entitled thereto.

2. The carrying out of the Agreement is subject to the provisions of the United Kingdom revenue or foreign exchange legislation.

3. No individual application is necessary as regards moneys which will be transferred in due course to the Austrian Federal Government under the above arrangement. Where property other than moneys is concerned the Austrian person entitled will be required to complete a form of application which may be obtained from the Austrian National Bank.

4. It will be noted that these arrangements apply only to " Austrian persons " who are defined as persons (natural or juridical) who at the coming into force of the Agreement possess Austrian nationality and are resident or carrying on business in Austria and whose money or property in the United Kingdom came under control *solely* because they are or have been resident or carrying on business in Austria.

5. Application may also be made by Austrian nationals resident outside Austria on the date of the Agreement for the return of their money or property under control. Such application should be made on a form to be obtained from the Board of Trade, Administration of Enemy Property Department, Branch 4, Lacon House, Theobalds Road, London, W.C.1.

6. In a Note which supplements the Agreement and is published therewith the Austrian Government announce their intention of facilitating the settlement of pre-war sterling debts due to " persons in the United Kingdom " (a term which is to be understood as meaning " persons resident or carrying on business in the United Kingdom on or before September 3, 1939 ") and of making sterling available for transfer for that purpose on an equitable basis to an amount at least equal to that passing to the Austrian Government under the Agreement. In the Agreement itself the Austrian Government undertake to assist " United Kingdom persons " (*see* paragraph 8 below) to trace the Austrian persons who are their debtors, to facilitate payment and transfer and to consider action for the removal of legal obstacles arising from the state of war which may prevent an equitable settlement of outstanding indebtedness.

7. The Agreement further provides that the Austrian Government will, subject to the provisions of Austrian legislation, facilitate the restitution of such rights and interests in Austria and of such money and property (as it now exists) in Austria as are still unrestored and belong to " United Kingdom persons " (*see* para. 8 below). The Austrian Government also undertakes subject to Austrian foreign exchange legislation, to accord to United Kingdom persons such treatment as is accorded to Austrian persons as respects loss of or prejudice to money or property in Austria by reason of the state of war or of the German occupation of Austria.

8. It should be noted that the Agreement applies only to " United Kingdom persons " who are defined as persons (natural or juridical) whose money or property have been subject in Austria to special measures *solely* because they were resident or carrying on business in the United Kingdom.

9. United Kingdom persons as defined above who think they have claims for the restitution of money and property in Austria should write direct to the Legal Department, British Embassy, Vienna.

10. Persons in the United Kingdom (*see* para. 6) who had pre-war sterling debts due to them and think they may have claims under the Supplementary Note should communicate their claims to the Austrian Embassy, 18 Belgrave Square, London, S.W.1, using for this purpose a pro-forma which will be forwarded to them by the Embassy on request. It is pointed out that it is in the interest of the creditors to carry out this notification of their claims as soon as possible

RESTRICTIONS ON INDONESIAN ASSETS IN UNITED KINGDOM REMOVED

Control over money and property in the United Kingdom of persons resident in Indonesia has been removed by a Board of Trade Order.

The Order removes control exercised under the Trading with the Enemy Act, 1939, and other Orders, in respect of money and property which came under such control solely because the owner was resident or carrying on business in Indonesia. The Order, however, does not without supplementary action affect the position of such of the money or property as has been actually paid to or vested in a Custodian of Enemy Property, or has come under the control of an Administrator of Enemy Property.

Money and bank balances payable by bankers to or for the benefit of Indonesian residents will immediately be released by the Custodians of Enemy Property to United Kingdom banks for the credit of the original account holder, except in cases here the holder or any of the joint holders has died, when further legal formalities are required.

Application for the release of other Indonesian money and property returnable to the owner should be made to the Administration of Enemy Property Department (Branch 4), Lacon House, Theobalds Road, London, W.C.1.

Company Secretaries, Registrars and others concerned with the holding or managing of property or with the transfer of securities or other properties or Indonesian residents should note that no authority for such activities is now required under Trading with the Enemy legislation.

The name of the Order giving effect to these changes is the Trading with the Enemy (Enemy Territory Cessation) (Indonesia) Order, 1952 (S.I. 1246 1952), which came into operation on June 26, 1952.

REVIEWS

Pratt and Mackenzie's Law of Highways. Nineteenth Edition. Harold Parrish assisted by Patrick Freeman. Butterworth & Co. (Publishers) Ltd. and Shaw & Sons, Ltd. Price £6 6s. net.

A troublesome gap in the working library of every lawyer, especially those engaged in local government, has been left for more years than was at all convenient by the absence of an edition of *Pratt and Mackenzie* which took account of legislation from 1930 onwards. It was expected before the second world war that the committee under Lord Chelmsford and Lord Addington, which produced the Local Government Act, 1933; the Public Health Act, 1936, and the Food and Drugs Act, 1938, would tackle highways next. Indeed, this was the explanation of several loose ends left hanging from the Public Health Acts, upon consolidation, and the expectation afforded strong reason against production of a major text book upon highways in the nineteen-thirties. Then came the war, followed by new legislation and some case law. The publishers are to be congratulated upon not having longer held their hands. Although we believe a good deal of work is being done on highway law behind the scenes, it does not seem likely that either reform or consolidation will take place in this Parliament. The edition of *Pratt and Mackenzie* dated 1952 will, therefore, in all probability live out a normal life; those who have to deal with the law of highways should not hesitate to buy it—both for this reason and because it is the best edition which has appeared for some time past

Comparisons are apt to be unfair. Even before the late Lord Amulree's name disappeared as editor, the law was growing unmanageably bulky, and it is no disparagement of Sir Joshua Scholefield's encyclopaedic knowledge, especially of case law, or of his services to legal scholarship, to say that the two editions for which he bore main responsibility had begun to assume the size without the convenience of an encyclopaedia, losing some of their value for want of pruning and rearrangement.

In the edition of 1952 the editors, coming freshly to their task, have had the courage to rearrange and also prune where necessary, and, with the help of publishers and printers (as they acknowledge in the preface), have produced a more usable volume without dropping anything that matters.

Although highway law has a statutory history longer than that of any other main branch of local government law, it must never be forgotten that all the Acts, from 1835 onward, are but embroidery on a backcloth woven by the common law. In our answers to Practical Points we find it constantly necessary to emphasize that the ancient conceptions, such as dedication and the liability of the inhabitants at large, are still fundamental, despite modifications and exceptions which themselves are often of respectable antiquity. *Pratt and Mackenzie* has always been strong upon the common law foundations, and it is satisfactory to find these still stressed, and fully treated, by Mr. Parrish and Mr. Freeman in this new edition. The first 140 pages are, substantially, an essay upon the law as settled by the courts, translating ancient usage into modern terms, leading up to the Highway Act, 1835, and merging into the statute law as thereafter developed. As Bovill, C.J., said in the quaintly named case of *R.* v. *Inhabitants of the Upper Half Hundred of Chart and Longbridge* (1870) 22 L.T. 416, the Act of 1835 "contains nothing to take away liabilities expressly imposed by previous legislation." It was, in truth, as its long title shows, a consolidating and amending Act, but the earlier Acts which it amended were, themselves, mostly minor enactments which left the essentials of case law (and early principle) unimpaired. The five page preliminary note, to the Act of 1835 and its successors, is not easy reading, but is a masterpiece of compressed legal history.

We have spoken above of the reduction in bulk secured in the present edition, notwithstanding the new matter which had to be included. The learned editors in their preface give part of the credit for this desirable reduction to sleight of hand by the publishers and printers, and our first impression, upon reaching the annotated statutes which form the bulk of the book, was that reduced size of type might have meant some loss of legibility. This is a fault we have frequently censured in post-war legal text-books. Most readers of such books, it is probably true to say, are among the optician's customers, and some have no longer the resilience of youth. Ease of handling, by reducing a book's weight, can therefore be too dearly purchased. This fault has been especially found, in our post-war experience, where a publisher has cut down the size of type for the text, in an annotated text book, to the size of that used for the notes, or has sought to offset this first mistake by cutting down the size of type in notes, too far. At first glance, we feared that this had happened here, for the annotated statutes have certainly been set up without waste of space—to say the least. But after perusing a few pages we found that the criticism would have been unjustified. Though a good deal of reading matter has been got into each page, something (which eludes a reader who is not versed in the technicalities of book production: perhaps it is an improved surface of the paper) has ensured a perfect clarity.

This has been increased by the editors, who have broken up old notes and inserted headlines wherever this would help the reader. In a book like this which will not only be a standard work of reference upon the shelf, but will also be the daily companion of many busy lawyers on the desk or in the railway train, this care for the eyesight, (coupled with comparative absence of weight) is of great importance. Users of earlier editions (and this must include most of our local government readers) will be pleased to find familiar passages, and will at the same time be helped by finding many of these more happily set out and more succinctly expressed.

This digression upon *format* sprang from mention of the Highway Act, 1835. Of the other statutes selected for inclusion and annotation wholly or in part, ending with the New Streets Act, 1951, roughly half fall within the first eighty-five years after 1835, and roughly half come since the first world war. Seventeen of these have been passed since the last edition of the book. And of the new statutes some are very difficult to follow without editorial guidance: witness the Public Utilities Street Works Act, 1950, and the New Streets Act, 1951, already mentioned. The editors have had here a doubly hard and rather invidious task: the core of the work, on its statutory side as well as upon the common law, still consists of the statutes annotated so fully by Sir Joshua Scholefield in the last pre-war edition, and those notes it was desired to leave, so far as they still represented the law. On the one hand, they called for complete recension, which they have received; on the other hand, noting of the new statutes could obviously not be based upon the work of earlier editors. The present editors were, accordingly, confronted with the dual task, of saving the old where still appropriate and welding the new on to it. The operation has been performed most skilfully and, it is good to see, without the constant reference from one note to another, which is a besetting temptation of the text-book writer, and especially so when a major work has grown by accretion through several editions.

Another difficult task lay in selection. Highway law impinges on quite a number of other branches of law and administration, and it would have been easy to swell the book to its previous thickness by including related Acts and statutory instruments to which the reader of this work will wish to refer—in which case its "encyclopaedic" character would have returned to it, but (because of the smaller type and extra material) would have done so in an aggravated form. The editors have faced this risk courageously, by telling readers where to look for supplementary information, in statutory instruments or in other standard text books, instead of loading this book with it. This will be facilitated from now onward by the existence of *Halsbury's Statutory Instruments*. It would be ungracious to suggest that in the (too long) interval of waiting for this edition of *Pratt and Mackenzie* the highway lawyer has been helpless. There have, for instance, been the statutes treated in *Local Government Law and Legislation*, and there has been, above all, the long article on "Highways" in *Halsbury's Laws of England*; the lawyer who owned or had access to that volume of *Halsbury*, with *Halsbury's Statutes*, and their respective supplements, had no excuse for going far wrong. But it had for years been a matter of searching from a main work to a supplement, with a steadily increasing shift of emphasis to the latter. This is excellent training for the young practitioner, but for the busy man (though it is much better than having to seek out one's new law without such modern aids) cannot be wholly satisfactory, if only because of the time that it involves. The legal public has, therefore, every reason to be pleased that *Pratt and Mackenzie* has come back in an up to date edition. By way of final comment, we may call attention to the admirable table of contents, much fuller than is usual. The index has been rearranged in modern form with black cross headings; the table of statutes has been conveniently broken up by inserting regnal years as paragraph divisions, and the table of cases follows the practice of giving all alternative references, a practice to which (as readers of our reviews know) we attach great value, since few lawyers outside the larger towns can have access to more than one of two sets of reports. With these semi-mechanical but important aids, and the table of contents in which each topic is named in order of occurrence with unusual particularity, the apparatus for ready reference is as complete as the text is reliable. It is a work on which editors and publishers can be congratulated, and one which every local government office or set of chambers should possess.

CORRESPONDENCE

The Editor,
Justice of the Peace and
Local Government Review.

SIR,

THE RENT RESTRICTIONS ACTS AND GENTLEMEN'S AGREEMENTS

It is always pleasant to find one's views confirmed : and that pleasure has fallen to me, following upon a ministerial statement in the House of Commons on June 24.

Three articles have appeared from my pen in the past four years, all entitled as of " The Rent Restrictions Acts " and, respectively, sub-entitled (1) " A Gentleman's Agreement," (2) " Another Gentleman's Agreement and an Analogy," and (3) " Gentleman's Agreements : When Good and When Not," and appearing in *The Justice of the Peace* of November 6, 1948, March 13, 1949, and July 16, 1949, respectively.

On June 24 of this year Mr. E. Davies, M.P., asked Mr. Macmillan, the Minister of Housing and Local Government :

" What action was being taken to prevent property companies exerting pressure on tenants to pay higher rents." In pursuit of that question he added : " These companies are exercising intimidation over tenants, the implication of which is that if they do not sign the agreements they will be in danger of eviction if the Rent Restrictions Acts are revised."

Mr. Macmillan's reply was at once clear and to the point. He said :

" That the tenant was fairly well protected and need not pay increased rent. It was not wrong for a tenant to make a voluntary addition to his rent, and in some cases tenants had done so, especially where services provided as part of the rent had risen in cost. What was wrong was for pressure to be brought."

This authoritative statement is most welcome ; and from now onward tenants will know precisely where they stand in this important matter.

I am Sir,
Yours faithfully,
L. G. H. HORTON-SMITH.

5 Paper Buildings,
Temple, London, E.C.4.
June 28, 1952.

PERSONALIA

HONOUR

In our Birthday Honours List printed at p. 378, *ante*, we omitted in error the name of Alderman Harold Jackson, LL.B., of Sheffield, who received the honour of knighthood. A former Lord Mayor of Sheffield, and past president of the Association of Education Committees, he was admitted a solicitor in 1904.

APPOINTMENTS

The Lord Chancellor has appointed Mr. E. C. Lewis to be an Assistant-Registrar of County Courts. He will be attached to the Birmingham County Court.

Mr. G. M. Porter, Assistant Solicitor to Crewe Corporation, has been appointed Deputy Town Clerk of Workington.

Mr. M. T. Nash, Senior Accountancy Assistant to the River Wye Catchment Board for the past six and a half years, is shortly taking up an appointment as Chief Finance Assistant with the Somerset River Board.

RETIREMENT

Mr. John Bennett, borough treasurer of Nuneaton since 1922, is to retire on September 30.

PARLIAMENTARY INTELLIGENCE

Progress of Bills

HOUSE OF LORDS

Wednesday, July 9

POST OFFICE (AMENDMENT BILL), read 3a.

HOUSE OF COMMONS

TRANSPORT BILL, read 1a.

THE GIFT OF TONGUES

"Speech is silver: silence is golden," says the proverb, and in no walk of life is the preservation of the gold standard so vital—or so rare—as in marriage. For some unfathomable reason the reputation for incessant tongue-wagging is attributed to women rather than men; whether the female propensity for chattering arises from some deep-seated psychological cause, or whether it is due to the age-old custom, among the men, of going off to their hunting, their fighting, their drinking or their work and leaving their womenfolk to the cultivation of those dull domestic tasks which afford them a sufficient surplus of breath and nervous energy for gossip, the fact remains that the ability to sit in companionable silence for any length of time is not, speaking broadly, one of the outstanding qualities of the fair sex. There are, of course, exceptions; Geoffrey Chaucer has, for instance, immortalized the silent patience of the egregious Griselda, but the fame that attended her exploits in this line serves only to emphasize the rarity of the achievement.

Our Elizabethan ancestors were well acquainted with the problem, as is clear from Shakespeare's *Taming of the Shrew* and from the presence of the ducking-stools for scolding women which are still to be seen in the local museums in all parts of the country.

The Greeks had a poor opinion of women as companions to the contemplative man; the Athenian statesman, Pericles, expatiating on the glories of his city and the genius of her people, in the Golden Age of the fifth century before Christ, can only advise the women to aim at the ideal of being as little talked of as possible, whether for good or ill. So writes Thucydides in the Second Book of his *History of the Peloponnesian War*; Plato tells us, in the *Phaedo*, how his great contemporary, Socrates, an hour or two before his execution, can scarcely bear to pause in his discussion with his thoughtful friends, on the subject of the immortality of the soul, to bid a perfunctory farewell to his wife Xanthippe, and gets rid of her as quickly as possible "so that she may not create a disturbance with any outburst of emotion." This was not so cold-blooded as it sounds, for Xanthippe had the reputation of being something of a scold, and there would appear to have been little love lost between them.

Female nagging is a long-standing *casus belli* in matrimonial affairs, and the English Courts are not infrequently called upon to decide at what point the habit ceases to be a meremanifestation of an extraverted temperament and becomes a constituent of legal cruelty. As in other parts of this uncharted field in the law of divorce, the decisions are less easy to reconcile than are some of the spouses, and the practitioner may be forgiven if he finds himself occasionally wandering out of sight of any clearly-defined path. It is a pity that this should be so, since there is perhaps nothing more calculated to make cohabitation intolerable than the female voice incessantly raised in harsh and querulous protest. The appalling thing about it is that its source is as inexhaustible as its effects are exhausting, and that the neurosis from which, in the active spouse, it originates will inevitably end by infecting the once passive victim. Its virulence lies in its relentless continuity; a truly civilized system of law would give it priority, as a ground for divorce, to adultery which, after all, is intermittent and only indirectly hurtful.

Young nations, like young and immature persons, have few traditions and little experience to guide them in these matters, and old hands at the matrimonial game will deprecate the custom recently instituted by well-meaning churchmen, in one Australian town, of presenting to newly-married couples a gramophone recording of the wedding-ceremony. The cognate custom, in Victorian days, of preserving photographs of the wedding-group (in heavy silver frames) among the ornaments and knick-knacks on the drawing-room piano—a sort of permanent settlement of aunts, uncles and remote cousins looking down, with frozen smiles, upon the wilderness of plush and antimacassars in the matrimonial home—must at times have driven many a man into a destructive frenzy; but this is as nothing compared to the opportunities for wifely provocation, and the stimulants to paranoiac rage on the part of the husband, presented by the repeated reproduction in sound of the *fons et origo malorum*—the memory of violated vows, broken resolutions and sweetish sentiment turned sour. Apart from anything else, there is always the risk that, through one of those mechanical defects that afflict the best-conducted gramophones from time to time, the needle may jam at the crucial point, and the husband's ears be assailed by the insistent repetition of the phrase "I will—I will—I will" in the voice he has long since learned to dread. Murderous assault in such circumstances should surely be classed as a form of excusable homicide.

Better psychological insight is being displayed by the vicar of a church in the vicinity of Leeds who, as part of a campaign to "take the church to the people," is conducting demonstrations of the marriage ceremonial in mime. Recently-married couples are being employed as actors in these silent dramas; whatever ritualistic purists may think of this method of publicity, it has at least one advantage—that not only the husband but also the wife has to be content with a ceremony in dumb-show. Any wife who can pass such an ordeal with full marks is certainly a paragon among women, a spouse to be treasured and prized "far above rubies."

As usual in these matters, Rabelais has the last word, and Sir Thomas Urquhart's translation enters fully into the spirit of the original, in the diverting Story of the Dumb Wife:

> "The good honest man, her Husband, was very earnestly urgent to have the Fillet of her Tongue untied, and would needs have her speak by any means: at his Desire some pains were taken on her, and partly by the industry of the Physician, other part by the expertness of the Surgeon, the Encyliglotte, which she had under her tongue, being cut, she spoke and spoke again; yea, within few hours she spoke so loud, so much, so fiercely, and so long, that her poor Husband returned to the same Physician for a Recipe to make her hold her Peace. 'There are (quoth the Physician) many proper Remedies in our Art, to make dumb Women speak, but there are none, that ever I could learn therein, to make them silent. The only Cure which I have found out, is their Husbands' deafness.' The Wretch became within few weeks thereafter, by Vertue of some Drugs, Charms or Enchantments, which the Physician had prescribed unto him, so deaf, that he could not have heard the thundering of Nineteen hundred Canons at a Salvo. His Wife perceiving, that he was indeed as deaf as a Door-nail, and that her Scolding was but in vain, sith that he heard her not, she grew stark mad."

A.L.P.

NEW COMMISSIONS

ANGLESEY COUNTY

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Mrs. Irene Kirkpatrick-Wilson, Trecastell, Beaumaris.

BERKS COUNTY

Mrs. Peggy Evelyn Flew, 5, Carufurd Rise, Maidenhead.

PRACTICAL POINTS

All questions for consideration should be addressed to "The Publishers of the Justice of the Peace and Local Government Review, Little London, Chichester, Sussex." The questions of yearly and half-yearly subscribers only are answerable in the Journal. The name and address of the subscriber must accompany each communication. All communications must be typewritten or written on one side of the paper only, and should be in duplicate.

1.—Housing Act, 1949—*Demolition order stayed under s. 3.—Procedure for closing order.*

The Minister of Housing and Local Government has served on my council a notice under s. 3 of the Housing Act, 1949, stating that a house, with respect to which my council had made a demolition order under s. 11 of the Housing Act, 1936, was of such architectural and historic interest as to render it inexpedient that it should be demolished pending determination of the question mentioned in the section. My council are accordingly obliged by s. 3 (2) of the 1949 Act to determine the demolition order and to make a closing order, and to serve notice of such determination and a copy of the closing order on every person "upon whom they would be required by s. 11 (1) of the principal Act to serve a notice issued by them under that subsection," *i.e.*, the same persons as on the making of a demolition order. My question is whether in the circumstances it is necessary for my council to follow the procedure laid down by the 1936 Act for the making of a closing order. Had a demolition order not already been made, then I know of no legal alternative to the usual s. 11 procedure for the making of a closing order. I regard the position as the same even where a demolition order had been made. The 1949 Act in no way alters the s. 11 procedure.

Before I take whatever action is necessary, however, I would value your opinion as to whether you consider that there is anything in the 1949 Act which, in such circumstances, would obviate my having to carry through the procedure laid down in the 1936 Act for the making of a closing order. It is realized, of course, that this would virtually mean the carrying through of the same procedure twice and is firstly in respect of the demolition order (already carried out of course) and now again in respect of the closing order, but legally I see no alternative. COCU.

Answer.

Section 3 of the Act of 1949 does not say that the council shall make a closing order in accordance with the procedure for demolition orders in s. 11 of the Act of 1936, or that the closing order made under s. 3 shall be deemed to be a closing order made under s. 12 of the Act of 1936. (We think the reference to "usual s. 11 procedure for the making of a closing order" in the middle of your query is a slip: s. 11 is demolition; s. 12 is closing in part). The closing order under s. 3 (1) or s. 3 (2) of the Act of 1949 is in our opinion different from each of the orders under the Act of 1936, s. 11 of that Act being mentioned merely by way of "legislative shorthand," indicating on whom a copy has to be served, whereupon ss. 14, 15, 18, 19 of 1936 are applied by s. 3 (2), but there is nothing requiring the council to do the things specified in s. 11 (1) of 1936.

2.—Husband and Wife—*Maintenance order—Amount—Consideration of wife's income.*

We acted yesterday on behalf of a wife applying for maintenance against her husband, in the local magistrates' court.

The husband pleaded guilty that he deserted his wife in August, 1946. The wife carries on a business of a beer and wine off-licence formerly carried on by her husband and which was formally transferred by him to her in November of last year. The wife's income from this business is approximately £6 per week out of which she has to keep herself and her child aged eleven years. The husband gave evidence that his average earnings were £7 per week plus £200 per annum expenses, out of which he had to run a car. He is a salesman for some cotton manufacturers.

The magistrates made an order for 10*s.* for the wife and 15*s.* for the child and we understand this was done on the basis that the wife was earning almost as much as the husband.

We have in mind that there has been a case in the Divisional Court dealing with the question of the wife's income being taken into account but we cannot trace the case.

The husband served in the Forces during the war and the wife carried on the off-licence business on his behalf. About two years ago she opened up a drapery business which she had never carried on before.

We shall be glad to have your opinion on the above and if possible the name and reference of the case we had in mind. SAAL.

Answer.

Probably our learned correspondent has in mind the case of *Rose* v. *Rose* [1950] 2 All E.R. 311; 114 J.P. 400, where the Court of Appeal considered the question of the effect of a wife's earnings or earning capacity when a court is dealing with a question of maintenance.

We notice that nothing is said in the question about any income the wife may derive from her drapery business. In any case, however, we should not wish to criticize the decision of the justices who saw the parties and heard all the facts.

Other cases in point are *Jones* v. *Jones* (1929) 142 L.T. 167, *Chichester* v. *Chichester* [1936] 1 All E.R. 271; and *Ward* v. *Ward* [1947] 2 All E.R. 713.

3.—Landlord and Tenant—*Furnished Houses (Rent Control) Act,* 1946*—Fresh letting of larger premises of which original premises form part.*

In 1947, the Rent Tribunal reduced the rent for the letting of a partly furnished dining room and bedroom, with joint use of kitchen, bathroom and lavatory, to £1 8*s.* 6*d.* per week. The landlord was to pay the gas and electricity charges. The decision was duly entered in the statutory register of contracts.

Shortly afterwards a change of tenancy occurred, the new tenant occupying the same accommodation as before, but with an extra bedroom. The tenant provides his own furniture, although the landlord has left certain furniture in the bedrooms. The landlord charges the new tenant a rent of £2 5*s.* per week, plus fifty *per cent.* cost of gas and electricity. The new tenant has not referred the rent to the tribunal for decision.

Section 4 (1) of the 1946 Act makes it unlawful for a landlord to require or receive on account of rent for any premises entered in the register payment in excess of the rent so entered.

Will you kindly advise whether the landlord is entitled (i) to charge an excess rent where he subsequently relets the controlled accommodation, together with an additional room or rooms (as in this case), or (ii) to vary the arrangements for payment of gas and electricity charges; or should he have referred the case for reconsideration by the tribunal under s. 2 (3) on the ground of change of circumstances. In short, has the landlord committed an offence under s. 4 (1)? PARA.

Answer.

1. Yes. Section 4 (1) (*a*) of the Act provides that it shall not be lawful to receive rent in excess of the rent entered in the register "on account of rent for those premises." Those premises are the premises of which a specification has to be registered under s. 3 (2) (*b*), which cannot cover a new contract for the letting of different premises.

2. The charges under the referred contract for gas and electricity formed part of the rent under that contract. They can therefore not be increased under a new contract for letting the same premises, unless the lessor refers the case to the tribunal for re-consideration. But if, as we infer, question (ii) like question (i) refers to charges in respect of the enlarged premises (not those of which there is a registered specification) there is no registered rent and there has been no offence.

4.—Licensing—*Whether claim on compensation fund in respect of "old" on-licence surrendered on grant of a new licence—Finance Act,* 1947, *s.* 73.

A director of a brewery company has expressed the opinion to me that where a publican's licence has been granted in respect of premises to which a beerhouse licence was previously attached and monopoly value on the difference between the values of those licences has been paid in accordance with s. 73 of the Finance Act, 1947, in the event of that house being deemed redundant and referred by the licensing committee for closing, no compensation can be paid out of the compensation fund to the owners of the premises.

I can find no authority whatever for the opinion so expressed, and it would appear to be illogical, having regard to the fact that compensation levy will have been paid in respect of the premises since the granting of the publican's licence.

I should be very appreciative of your opinion as to whether there is any foundation in the suggestion that no such compensation is payable and if that suggestion is correct, by your quoting the authority therefor. NCL.

Answer.

The compensation provisions of the Licensing (Consolidation) Act, 1910, relate only to "old" on-licences, *i.e.*, in force on April 15, 1904. Where such a licence is surrendered on the grant of a new licence in accordance with the machinery prescribed by s. 73 of the Finance Act, 1947, the only licence thereafter current is the new licence, on which no compensation levy is made and which has no claim for compensation on non-renewal.

It may be true that contributions to the compensation fund have

been made since 1904 in respect of the surrendered licence; but it must not be overlooked that no monopoly value was ever paid in respect of it, and the amount that would be assessed as payable if the licence were extinguished subject to compensation roughly corresponds with the amount assessed as monopoly value to be set-off against the monopoly value payable in respect of the new licence.

The suggestion made to our correspondent is correct, but, on examination, is not so illogical as it appears at a first sight.

5.—Local Government Act, 1933, s. 59—*Ex-officer contracting with council—Qualification for election.*

An officer of the council retired from the service last year, and on his retirement the council agreed that he as a private professional architect should complete the housing schemes for which he was originally responsible as an officer, on payment of fees which were agreed. These schemes are not yet completed and the person concerned intends to stand for election as a rural district councillor.

In view of s. 59 (1) (*a*) of the Local Government Act, 1933, will you kindly give me your opinion as to whether this ex-officer is disqualified for being elected or being a member of the local authority. FAIR.

Answer.

It appears that the retired officer concerned will be acting on a purely professional basis as an architect in return for professional fees agreed after his retirement. In such circumstances he is not, in our opinion, disqualified by s. 59 (1) (*a*) of the Local Government Act, 1933.

6.—Local Government Act, 1933, s. 163—*Appropriation—Tenancies protected by the Rent Restrictions Acts.*

Please refer to 115 J.P.N. 434, 465, and 725, from which it appears that premises subject to the Rent Restriction Acts can be acquired free from the restrictive provisions of these Acts whether a local authority is proceeding by way of compulsory purchase or under an Act which applies s. 121 of the Lands Clauses Consolidation Act, 1845, and advise whether an appropriation to another purpose made by a local authority under s. 163 of the Local Government Act, 1933, of the whole or part of a dwellinghouse subject to the Rent Acts can (despite s. 163 (1) (ii)) achieve the same effect in relation to the whole or part of the dwellinghouse as the case may be. This advice is sought with regard to a portion of premises in the ownership of a local authority, subject to the Rent Restrictions Acts by reason of the creation by such local authority of a service tenancy, which premises the local authority wish to use for quite another purpose. F.L.C.C.

Answer.

If the local authority here were appropriating for housing under s. 76 of the Housing Act, 1936, s. 156 of that Act might help, but we gather this is not the case. Our Notes of the Week cited, *supra*, (we take the opportunity of saying that those at pp. 434 and 465 were meant to be consecutive, but became accidentally separated) related solely to cases where s. 121 of the Act of 1845 applies. The result follows from the statutes. Section 163 of the Act of 1933 neither contains nor incorporates any similar provisions, though subs. (1) (ii) mentioned in the query, which relates to covenants, and (we think) contractual restrictions, is not in point.

7.—Rating and Valuation—*Tenant abandons furniture—Whether landlord is occupier after seizing furniture.*

I shall be glad to have your opinion on the following query.

A club occupied premises and owing to lack of support, etc., the premises were abandoned. The keys of the premises were eventually sent to the agent for the owners.

Furniture comprising two billiards tables, etc., were left on the premises. These have been sold and the proceeds are now held by the agent on behalf of the owners.

Rent was owing by the club. Rates were apportioned to the date the club ceased activity, and a further demand was made to the agent on behalf of the owners, from the date they took possession of the keys to the date the furniture was removed.

By taking possession of the furniture, etc., do you agree the owners are in beneficial occupation and liable for rates as demand note sent to them? COT.

Answer.

As we have so often said, occupation for purposes of rating is a question of fact. We do not think it has ever been held that a landlord, who turns a tenant out and distrains for rent upon furniture found on the premises (which is what seems to have happened here, though we are not told under what authority the furniture was sold), is in occupation merely because he does not forthwith remove the furniture. We can imagine cases where the landlord could be held to be occupying, *e.g.*, if he held the furniture there for a long time, but, on any facts before us, we do not consider there was rateable occupation by the landlord.

8.—Road Traffic Acts—*Traffic signs—"Stop, children crossing"—Authority for use by a school teacher—Enforcement.*

I should be grateful for your advice on a problem relating to the safety of children who have to cross a busy road to get from a temporary classroom to the main school buildings.

Until recently there was a pedestrian crossing but in accordance with the new policy of the Minister of Transport this has been abolished. The education Committee desire to safeguard the children by putting them in charge of a teacher who would hold a portable sign in the form of diagram No. 55 in Part IV of the second schedule to the Traffic Signs (Size, Colour and Type) Regulations, 1950. Section 48 of the Road Traffic Act, 1930, authorizes the Highway Authority to cause or permit, traffic signs to be placed on or near any road in their area and s. 49 makes it an offence for any person driving or propelling a vehicle to fail to conform to the indication given by the sign.

Will you kindly let me know:

(1) Whether in your opinion a portable sign held by a school-teacher would be a traffic sign for the purpose of s. 49 of the Road Traffic Act, 1930, to which motorists would be bound to conform.

(2) Should the person holding the sign be authorized in writing to do so by the highway authority?

(3) Are there any steps which you would recommend to make conformity with the sign compulsory? JUVEN.

Answer.

A sign of this kind may, by the regulations cited, be used only (*a*) by a person duly authorized for the purpose by a highway authority, and (*b*) between the hours of 8.30 *a.m.* and 5 *p.m.*, or half an hour after sunset, whichever is the later.

The answers, therefore, are:

(1) Yes, if the teacher is duly authorized as in (*a*) above and if (*b*) above is observed.

(2) Yes.

(3) If the sign is duly displayed as above failure to comply with it is an offence against s. 49 of the 1930 Act and can be dealt with accordingly.

BREDBURY AND ROMILEY URBAN DISTRICT COUNCIL

Appointment of Clerk of the Council

APPLICATIONS are invited for the above-mentioned appointment at a salary of £1,000 per annum, rising, subject to satisfactory service, by annual increments of £50 to a maximum salary of £1,200 per annum.

The person appointed must not be over 45 years of age and must possess administrative ability and wide experience in local government. Legal qualifications will be an advantage. He will be required to carry out all statutory or other duties devolving upon him or assigned to him by the Council. He will be required to act as Registrar of Local Land Charges and Returning Officer at local elections.

All fees, emoluments and payments of any kind (with the exception of the fees received as Returning Officer for Local Elections) shall be paid to the credit of the Council's account. Applicants are invited to apply to the undersigned for further particulars in connection with the appointment.

The appointment will be subject to :

(*a*) The provisions of the Local Government Superannuation Act, 1937.
(*b*) A satisfactory medical examination.
(*c*) Three months' notice in writing on either side.
(*d*) The conditions of service laid down in the recommendations of the Joint Negotiating Committee for Town Clerks and District Council Clerks.

Applications, stating age, present and previous appointments, qualifications, and accompanied by copies of three recent testimonials, endorsed "Clerk," must reach the undersigned not later than August 30, 1952.

Canvassing, directly or indirectly, will disqualify.

Candidates must disclose whether they are related to any member or senior officer of the Council.

T. BARON KENYON,
Clerk of the Council.

Council Offices,
Bredbury,
Near Stockport.

CITY AND COUNTY OF BRISTOL

Magistrates' Clerk's Office

Officer in Charge of Collecting Officer's Department

APPLICATIONS are invited for the above appointment. Salary commensurate with A.P.T. Grade V(a) (£600 × £20—£660). The person appointed will be required to organize and control the work of the Collecting Officer's Department in the Magistrates' Clerk's Office. The appointment will be subject to passing a medical examination and to deductions under a superannuation scheme.

Applications, stating age, qualifications and experience, and giving the names of two referees, should be received by the undersigned not later than August 5, 1952.

Envelopes to be marked "Collecting Officer."

A. J. A. ORME,
Clerk to the Justices.

Court House,
Bridewell Street, Bristol, 1.

CITY OF COVENTRY

Appointment of Full-time Male Probation Officer

APPLICATIONS are invited from persons who have experience and/or training as a probation officer or social welfare worker for the above appointment.

Candidates must be not be less than 23, nor more than 40 years of age, except in the case of a serving probation officer.

The appointment will be subject to the Probation Rules, 1949, and the salary in accordance with the scales prescribed by those Rules. The salary will be subject to superannuation deductions and the successful applicant will be required to undergo a medical examination.

Applications, stating age, present position, qualifications and experience, together with copies of not more than three recent testimonials, must reach the undersigned not later than August 9 next.

R. L. BARLOW,
Deputy Clerk to the City Justices.

St. Mary's Hall,
Coventry.

CITY OF NOTTINGHAM

Appointment of Full-time Female Probation Officer

APPLICATIONS are invited for the appointment of a full-time Female Probation Officer.

Applicants must not be less than twenty-three not more the forty years of age, except in the case of a serving probation officer.

The appointment will be subject to the Probation Rules, 1949 and 1950, and the salary will be according to the scale prescribed by those Rules.

The successful applicant may be required to pass a medical examination.

Applications, stating age, present position, qualifications and experience, together with copies of not more than three recent testimonials, must reach the undersigned not later than July 23, 1952.

W. M. R. LEWIS,
Secretary of the Probation Committee.

Guildhall,
Nottingham.
July 2, 1952.

BOROUGH OF TAUNTON

Assistant Solicitor

APPLICATIONS are invited from experienced solicitors for the appointment of Assistant Solicitor. Salary A.P.T. Grade VIII (£735—£810). Previous local government experience not essential. Conditions of appointment and application form may be obtained from the undersigned, to whom they should be returned before August 9, 1952. Consideration will be given to housing accommodation if required.

L. ATWELL,
Town Clerk.

Municipal Buildings,
Taunton.

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